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ATTORNEYS FOR DEBTORS

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IN RE:**

**AGAP LIFE OFFERINGS, LLC<sup>1</sup>,**

**Debtors.**

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§

**CASE NO. 16-40520-btr**

**(Jointly Administered Under  
Case No. 16-40520-btr)**

**DEBTORS' APPLICATION FOR ORDER AUTHORIZING  
THE EMPLOYMENT OF BILL SHORT, CPA AS  
CHIEF RESTRUCTURING OFFICER**

**NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS APPLICATION SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING UNLESS IT DETERMINES THAT AN EVIDENTIARY HEARING IS NOT REQUIRED AND THAT THE COURT'S DECISION WOULD NOT BE SIGNIFICANTLY AIDED BY ORAL ARGUMENT. IF YOU FAIL TO APPEAR AT ANY SCHEDULED HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

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<sup>1</sup> The jointly administered cases include AGAP Life Offerings, LLC, Case No. 16-40520-btr; AGAP LS 309, LLC, Case No. 16-40521-btr; AGAP LS 108, LLC, Case No. 16-40529-btr; AGAP LS 109, LLC, Case No. 16-40530-btr; AGAP LS 209, LLC, Case No. 16-40531-btr; and AGAP LS 509, LLC, Case No. 16-40532-btr.

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

COME NOW, AGAP Life Offerings, LLC, AGAP LS 309, LLC, AGAP LS 108, LLC, AGAP LS 109, LLC, AGAP LS 209, LLC and AGAP LS 509, LLC (“Debtors”), the Debtors and Debtors-in-Possession in the above-styled and numbered case, and file this their application for entry of an order authorizing the employment of Bill Short, CPA as chief restructuring officer and financial consultant (“CRO”) for the Debtors as of July 11, 2016, and in support of same would respectfully show the Court as follows:

**I. JURISDICTION**

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334. Consideration of this action is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

**II. PROCEDURAL BACKGROUND**

2. Debtors AGAP Life Offerings, LLC and AGAP LS 309, LLC filed their voluntary petitions under Chapter 11, Title 11, of the United States Bankruptcy Code on March 24, 2016, in the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division. Debtors AGAP LS 108, LLC, AGAP LS 109, LLC, AGAP LS 209, LLC and AGAP LS 509, LLC filed their voluntary petitions under Chapter 11, Title 11, of the United States Bankruptcy Code on March 25, 2016, in the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division.

3. The Debtors own life insurance policies. No trustee, examiner, or official committee has been appointed in the Bankruptcy Case. A motion to appoint a trustee is currently pending.

4. As a result of the interest being expressed by certain creditors of the Debtors and the Office of the U.S. Trustee that a neutral third party be retained in these cases, the Debtors through the assistance of the ad hoc committees formed in each of the cases, has researched and selected Mr. Short to step in as CRO. The Debtors believe that this is a far better result than the appointment of a Trustee in these cases and will facilitate the goals of the creditors, will assist in operations and the formulation of a Plan and will save money for the estates as the fees to be charged by Mr. Short are reasonable and subject to Court approval.

### **III. BASIS FOR RETENTION OF BILL SHORT AS CRO**

5. In support of this Application, the Debtor relies upon the Declaration of Bill Short (the "Declaration"), attached hereto as **Exhibit "A"** and incorporated as if fully set forth herein. Attached to the Declaration is the proposed Engagement Agreement and Resume for Mr. Short.

6. Subject to the approval of this Court, the Debtors seek to employ Bill Short as CRO, under the terms set forth in this Application.

7. Mr. Short provides financial consulting services to businesses.

8. The Debtors anticipate that Bill Short may render, without limitation, the following accounting and financial advisory services in the Bankruptcy Case:

Bill Short may provide the financial advisory services as CRO (the "Services") to the Company, which include:

- Preparation of amendments to schedules and the statement of financial affairs and monthly operating reports to support the Chapter 11 case administration;
- Review and assess cash flow forecasting and projection processes, and the monitoring of actual cash flow versus projections;
- Prepare updated cash flow projections as needed to be filed with the court;
- Assist in preparing and assembling information for exhibits to motions for relief that may be filed with the court;
- Provide testimony in bankruptcy court hearings as required;
- Administer post-petition banking facilities;

- Review ongoing strategic initiatives and assess financial and liquidity impact;
- Negotiate/Communicate with lenders, creditors and stakeholders during the bankruptcy proceeding;
- Coordinate sales of assets, as may be required;
- Direct operations with management including oversight and approval of disbursements, and approval of all contracts and administrative services;
- Preparation of periodic progress reports and review financial results with stakeholders and lenders;
- Engage personnel and professionals as may be required for orderly administration of bankruptcy case and the Company; and
- Such other duties as mutually agreed upon or otherwise approved by the Court.

For purposes of performing the Services, the CRO shall be given full and complete access to the Debtor's premises, books, records, and computer systems, and the CRO will take steps where he deems necessary to document and establish procedures and routines in order to assure uninterrupted and accurate reporting to stakeholders. Additionally, the CRO expects to get assistance from Jeffrey and Charles Madden, the Managers of AGAP in the performance of his services as CRO.

The proposed engagement agreement is attached to the Declaration of Mr. Short and incorporated herein by this reference as if set forth in full for all purposes.

9. Subject to this Court's approval of the Application, Mr. Short is willing to serve as CRO for the Debtors and to perform the services described herein.

10. Mr. Short has the necessary financial background to deal effectively with many of the needs that may arise in the context of the Debtors' reorganization. Given Mr. Short's background and experience, the Debtors believe that this individual and his firm are well-qualified and uniquely able to provide services to it in this Bankruptcy Case in the most efficient and timely manner.

11. Mr. Short will maintain detailed, contemporaneous records of time and any actual and necessary expenses incurred in connection with the rendering of his services and related

services for the Debtors by company as described in the Engagement Agreement attached to the Declaration and pursuant to the applicable guidelines of the Court.

12. Mr. Short was not employed pre-petition by the Debtors and therefore does not have a pre-petition balance due from the Debtors.

13. The compensation to be paid to Mr. Short shall be as follows:

Bill Short	\$175.00 per hour
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A retainer of \$5,000.00 will be payable upon approval of this Application by the Bankruptcy Court and will be applied to billings for services provided under the Engagement Agreement and as approved by the Bankruptcy Court.

14. To the best of the Debtors' knowledge, Mr. Short does not have any connection with, or any interest adverse to, the Debtors, the Debtors' estates, the Debtors' significant creditors, or other party-in-interest as set forth in the Declaration. The Debtors further believes that Bill Short is a "disinterested person," as such term is defined in section 101(14) of the Bankruptcy Code (as modified by section 1107(b) of the Bankruptcy Code) and as required under section 327(a) of the Bankruptcy Code.

15. Bill Short intends to apply to this Court for allowance on an interim and final basis of compensation for services rendered and reimbursement of expenses in accordance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, and any applicable orders of the Court.

#### **IV. AUTHORITY FOR RELIEF**

16. The Bankruptcy Code authorizes a debtor-in-possession, with the Court's approval, to "employ one or more attorneys, accountants, appraisers, auctioneers or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested

persons, to represent or assist the trustee in carrying out the trustee's duties under this title." 11 U.S.C § 327(a). As supported by the Declaration, the Debtors believe Bill Short is appropriate to serve as the Debtors' CRO under section 327(a).

17. Furthermore, section 328(a) of the Bankruptcy Code provides that a debtor "with the court's approval, may employ or authorize the employment of a professional person under section 327 . . . on any reasonable terms and conditions of employment, including on a retainer, on an hourly basis, or on a contingent fee basis." 11 U.S.C § 328(a). The Debtors believe that Mr. Short's rates are reasonable and comparable to the rates that would be charged by other financial firms providing the same services in the Eastern District of Texas.

#### **V. PRAYER**

WHEREFORE, PREMISES CONSIDERED, the Debtors respectfully request entry of an order (i) approving the Debtors' retention of Bill Short to serve as CRO for the Debtors pursuant to sections 327(a) and 328(a) of the Bankruptcy Code, and (ii) granting the Debtors such other and further relief as is just and proper.

Dated: July 11, 2016.

Respectfully submitted,

/s/ Joyce W. Lindauer

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 11, 2016, a true and correct copy of the foregoing Application has been served via United States first class mail, postage prepaid, to all parties on the attached mailing matrix.

/s/ Joyce W. Lindauer  
Joyce W. Lindauer

Label Matrix for local noticing  
0540-4  
Case 16-40520  
Eastern District of Texas  
Sherman  
Mon Jul 11 16:42:21 CDT 2016

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Total	60

Label Matrix for local noticing  
0540-4  
Case 16-40530  
Eastern District of Texas  
Sherman  
Mon Jul 11 16:52:48 CDT 2016

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Dallas, TX 75230-3100

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Comptroller of Public Accts  
Rev Acctg Div/Bankruptcy Dept  
PO BOX 13528  
Austin, TX 78711

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)3:10 Capital Investments  
P.O. Box 2525  
Fort Worth, TX 76113-2525

(u)3:10 Capital Investments, LP

(d)C. Duane Bryan  
10070 Winchester Wood  
Naples, FL 34109-1666

(u)Charles McWilliams

(d)Barbara Copeland  
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Dallas, TX 75231-4178

(d)Edward Ables  
643 North Main Street  
Paris, TX 75460-4278

(d)Henry Willis Choate  
P.O. Box 507  
Marietta, OK 73448-0507

(d)Gary Hughes  
2906 Queens Way  
Thousand Oaks, CA 91362-5342

(d)James P. Davitt  
6659 Lakeridge Drive  
Texarkana, TX 75503-1923

(d)Kim Lopez  
4220 Stanford  
Dallas, TX 75225-6931

(d)Charles Madden  
10567 Buccaneer Point  
Frisco, TX 75034-9263

(d)John Mahlenkamp Jr.  
3409 Apple Blossom Ln.  
McKinney, TX 75070-7657

(d)Paul Lyon  
506 CR 441  
Greenwood, MS 38930-5139

(d)Pennis Benfro  
5017 Hopewell Dr.  
Garland, TX 75043-1741

Document Page 16 of 36

(d)Billy Joe Ross  
110 Cayuga Trail  
Lake Kiowa, TX 76240-9223

(d)Roy Clark  
6106 CR 437  
Princeton, TX 75407-4558

(d)Thomas Moore  
Barbara Moore  
35 Turtle Creek  
Sugarland, TX 77479-5944

(d)Thomas W. Moore  
10101 SW Freeway  
Suite 105  
Houston, TX 77074-1100

End of Label Matrix  
Mailable recipients 66  
Bypassed recipients 18  
Total 84



Label Matrix for local noticing

0540-4

Case 16-40531

Eastern District of Texas

Sherman

Mon Jul 11 16:53:25 CDT 2016

AGAP LS 409, LLC

c/o Lusky &amp; Associates, PC

12720 Hillcrest Rd., Ste. 270

Dallas, TX 75230-2158

AGAP Life Offerings, LLC

10567 Buccaneer Point

Frisco, TX 75034-9263

Bedford Combs

1004 Cumberland Park Drive

Franklin, TN 37069-5107

Charles D. Madden

10567 Buccaneer Point

Frisco, TX 75034-9263

(p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS  
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Tool, TX 75143-8499

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Thurman Alexander

4910 Dublin Creek Ln.

Parket, TX 75002

Billy Joe Ross

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Lake Kiowa, TX 76240-9223

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Montrose, CO 81401-5791

Shirley Conyers

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Seagoville, TX 75159

Elizabeth Morton

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Glynn Pinkard

2506 Canyon Creek Drive

Richardson, TX 75080-2106

Harry Berg

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Richardson, TX 75082-4505

Susan Holley

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Kaufman, TX 75142-7150

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Houston, TX 77098-5204

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Crowley, TX 76036-3672

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(u)3:10 Capital Investments, LP

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Kaufman, TX 75142-7150

(d)Luis Lopez  
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Dallas, TX 75225-6931

(d)Lynette Leber  
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(d)Mark Holley  
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(d)Nicholas Leber  
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(d)Paula Izzard  
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(d)Glynn Pinkard  
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(d)Robert Bowie  
4618 San Gabriel  
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(d)Dean Spingola  
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(d)Stoney Johnson  
3007 Azle Highway  
Weatherford, TX 76085-8933

(d)Thurman Alexander  
4910 Dublin Creek Lane  
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(d) Lonnie Tucker  
505 Simons  
Waco, TX 76706-5830

End of Label Matrix  
Document  
Mailable recipients 63  
Bypassed recipients 16  
Total 79

Label Matrix for local noticing  
0540-4  
Case 16-40521  
Eastern District of Texas  
Sherman  
Mon Jul 11 16:54:00 CDT 2016

3:10 Capital Investments  
P.O. Box 2525  
Fort Worth, TX 76113-2525

AGAP LS 309, LLC  
5605 FM 423  
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AGAP LS 409, LLC  
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12720 Hillcrest Rd., Ste. 270  
Dallas, TX 75230-2158

AGAP LS 409, LLC  
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Frisco, TX 75034-8960

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Suite 500-123  
Frisco, TX 75034-8960

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Frisco, TX 75034-9263

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Franklin, TN 37069-5107

Billy Joe Ross  
110 Cayuga Trail  
Lake Kiowa, TX 76240-9223

Bin Zhang  
1061 Hopewell Drive  
Allen, Texas 75013-5621

Charles D. Madden  
10567 Buccaneer Point  
Frisco, TX 75034-9263

Charles Huffman  
103 Grande Lane  
#309-409  
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Richardson, TX 75081-3616

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Tool, TX 75143-8499

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Plano, TX 75023-1022

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Cumming, GA 30040-9532

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Bertran, TX 78605-4632

William Shipp  
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Plano, TX 75075-3124

William (Bill) Smith  
6924 Council Dr.  
Plano, TX 75023-1022

Wayne Strenger  
2520 Skiles Dr.  
Plano, TX 75075-7414

Susan Holley  
18351 Frankford Lake Circle  
Dallas, TX 75252-7949

Susan Shipp  
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Plano, TX 75075-3124

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4424 Riptide Lane  
Plano, TX 75024-7044

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1600 Los Altos Court  
Arlington, TX 76006-6516

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Comptroller of Public Accts  
Rev Acctg Div/Bankruptcy Dept  
PO BOX 13528  
Austin, TX 78711

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(d)3:10 Capital Investments  
P.O. Box 2525  
Fort Worth, TX 76113-2525

(u)3:10 Capital Investments, LP

(d)Charles Alberga  
406 Avenue A  
Melbourne Beach, FL 32951-2203

(d)Charles Huffman  
103 Grande Ln.  
#309-409  
Gun Barrel City, TX 75156-5296

(d)Leonard Allgood  
P.O. Box 860316  
Plano, TX 75086-0316

(d)Luis Lopez  
4220 Stanford Avenue  
Dallas, TX 75225-6931

(d)Lynette Leber  
4601 Kaitlyn Lane  
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(d)Nicholas Leber  
4601 Kaitlyn Lane  
Grapevine, TX 76051-8433

(d)Robert Kane  
980 Overland Drive  
McKinney, TX 75069-0996

(d)Sherri Bain  
518 E. Gaston Drive  
Wylie, TX 75098-4529

(d)Patricia Smith  
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Plano, TX 75023-1022

(d)Dennis Spingola  
103 Oakview Dr.  
Cranberry Township, PA 16066-2315

(d)Jonathan Watkins  
2616 Royal Birkdale Dr.  
Plano, TX 75025-5068

(d)Wayne Strenger  
2520 Skiles Drive  
Plano, TX 75075-7414

(d)Alan Wharry  
2513 Winfield  
Plano, TX 75023-7816

(d)William (Bill) Smith  
6924 Council Drive  
Plano, TX 75023-1022

(d)William Shipp  
2621 Timbercreek Drive  
Plano, TX 75075-3124

End of Label Matrix	
Mailable recipients	74
Bypassed recipients	17
Total	91



Label Matrix for local noticing

0540-4

Case 16-40532

Eastern District of Texas

Sherman

Mon Jul 11 16:54:35 CDT 2016

AGAP LS 409, LLC

5605 FM 423, Ste. 500-123

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Billy Joe Ross

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Jackie Stover  
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Mansfield, TX 76063-3713

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Walter Edward Jordan  
5912 Encore Dr.  
Dallas, TX 75240-4760

Nancy Kennedy  
8808 Wakefield Dr.  
McKinney, TX 75070

Rachel Kingrey  
Gardere Wynne Sewell LLP  
1601 Elm St., Ste. 3000  
Dallas, TX 75201-4761

Lynette Leber  
4601 Kaitlyn Ln.  
Grapevine, TX 76051-8433

Nicholas Leber  
4601 Kaitlyn Ln.  
Grapevine, TX 76051-8433

Joyce W. Lindauer  
12720 Hillcrest Road  
Suite 625  
Dallas, TX 75230-2163

Linebarger Goggan Blair & Sampson  
2777 N. Stemmons Freeway  
Suite 1000  
Dallas, TX 75207-2328

Luis Lopez  
4220 Stanford Ave.  
Dallas, TX 75225-6931

Herman A. Lusky  
12720 Hillcrest Rd., Ste. 270  
Dallas, TX 75230-2158

Margaret Diana Cawthorn  
1101 Princeton Drive  
Richardson, TX 75081-3616

Mary Elizabeth Morris  
1531 El Camino Circle  
Princeton, TX 75407-6754

Mark C. Moore  
Gardere Wynne Sewell LLP  
1601 Elm St., Ste. 3000  
Dallas, TX 75201-4761

Harvey Lamar Morris  
1531 El Camino Cr.  
Princeton, TX 75407-6754

Mary Elizabeth Morris  
1531 El Camino Cr.  
Princeton, TX 75407-6754

Nancy Kennedy  
8608 Wakefield Drive  
McKinney, TX 75070-4854

Horace Neely  
Luanne Neely  
8898 FM Rd. 449  
Hallsville, TX 75650-2530

Pamela Trentadue  
26325 Clarkston Drive  
Bonita Springs, FL 34135-2312

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McGuire, Craddock & Strother, P.C.  
2501 N. Harwood, Suite 1800  
Dallas, TX 75201-1613

Richard Hanson  
2879 Remington Road  
The Villages, FL 32162-3310

Ruby Zipoy  
911 Melrose Drive  
Richardson, TX 75080-4004

Russell Hill  
608 N. Highway 1417  
Sherman, TX 75092-7643

Marcus Saliterra  
US Trustee Office  
110 N. College Ave., Room 300  
Tyler, TX 75702-7231

Sharon Mathews  
616 Mozart Way  
McKinney, TX 75070-3210

Sidney C. Fisher  
3812 Curt Drive  
Arlington, TX 76016-3105

Susan Holley  
18351 Frankford Lake Circle  
Dallas, TX 75252-7949

Texas Workforce Commission  
101 East 15th Street  
Austin, TX 78778-0001

Thurman Alexander  
4910 Dublin Creek Lane  
Parker, TX 75002

U. S. Attorney  
110 N. College Ave.  
Suite 700  
Tyler, TX 75702-0204

U. S. Trustee's Office  
110 N. College Street  
Suite 300  
Tyler, TX 75702-7231

U.S. Attorney General  
Department of Justice  
Main Justice Building  
10th & Constitution Ave., NW  
Washington, DC 20530-0001

US Trustee  
Office of the U.S. Trustee  
110 N. College Ave.  
Suite 300  
Tyler, TX 75702-7231

Venus Wills  
2201 Le Mans Drive  
Carrollton, TX 75006-4334

Bin Zhang  
1600 Los Altos Court  
Arlington, TX 76006-6516

Zhongzhong Xie  
4424 Riptide Lane  
Plano, TX 75024-7044

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Comptroller of Public Accts  
Rev Acctg Div/Bankruptcy Dept  
PO BOX 13528  
Austin, TX 78711

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)3:10 Capital Investments  
P.O. Box 2525  
Fort Worth, TX 76113-2525

(u)3:10 Capital Investments, LP

(d)Charles Alberga  
406 Avenue A  
Melbourne Beach, FL 32951-2203

(d)Harry Berg  
1403 Woodoak Drive  
Richardson, TX 75082-4505

(d)Luis Lopez  
4220 Stanford Avenue  
Dallas, TX 75225-6931

(d)Lynette Leber  
4601 Kaitlyn Lane  
Grapevine, TX 76051-8433

(d)Mark Holley  
124 Spring Branch Road  
Tool, TX 75143-8499

(d)Melvin Dunlap  
1817 West Hunt Street  
Sherman, TX 75092-5338

(d)Nicholas Leber  
4601 Kaitlyn Lane  
Grapevine, TX 76051-8433

(d)Paula Izzard  
4420 Cedarbrush Drive  
Dallas, TX 75229-2901

(d)Glynna Pinkard  
2506 Canyon Creek Dr.  
Richardson, TX 75080-2106

(d)Pamela Trentadue  
26325 Clarkston Dr.  
Bonita Springs, FL 34135-2312

(d)Walter Edward Jordan  
5912 Encore Drive  
Dallas, TX 75240-4760

(d)Hugh Wink  
569 Browning  
Kilgore, TX 75662-0875

End of Label Matrix	
Mailable recipients	73
Bypassed recipients	14
Total	87

**DECLARATION OF BILL SHORT**

STATE OF TEXAS            )  
                                      )  
COUNTY OF DALLAS        )

1.       “My name is Billy (“Bill”) A. Short. I am over eighteen (18) years of age and I am a CPA licensed in the state of Texas. I am associated with the CFO advisory firm of SeatonHill Partners, LLC as a partner, however, I am providing CRO services to the Debtor, AGAP Life Offerings LLC, et al, outside and separate and apart from SeatonHill, with the full knowledge of the management of SeatonHill. My office is located at 5646 Milton Street, Suite 716, Dallas, Texas 75225. I have never been convicted of a crime and am fully competent to make this Declaration. I have personal knowledge of the facts stated herein and they are all true and correct.

2.       Neither Bill Short nor SeatonHill not have a pre-petition balance due from the Debtors and do not hold a claim against any of the Debtors for services provided prior to the filing of these bankruptcy cases.

3.       To the best of my knowledge, each member and associate of my firm is presently a disinterested person as defined in Section 101 (13) of the Bankruptcy Code.

4.       Neither Bill Short nor SeatonHill are a creditor nor an insider of the Debtors or an employee of the office of the U.S. Trustee.

5.       The proposed Engagement Agreement is attached hereto as Exhibit “1” and incorporated herein by this reference as if set forth in full for all purposes.

6.       My resume is attached is attached hereto as Exhibit “2” and incorporated herein by this reference as if set forth in full for all purposes.

I hereby make the foregoing statements under the penalty of perjury and they are all true and correct.

EXECUTED this 11<sup>th</sup> day of July, 2016.

Bill Short  
Bill Short

**Bill Short, CPA**

5646 Milton Street, Suite 716  
Dallas, Texas 75206  
214.213.4622  
bill.short@flash.net

### **Services Agreement**

July 11, 2016

AGAP Life Offerings, LLC  
Attn: Jeffrey Madden, Managing Member  
5605 FM 423  
Suite 500-123  
Frisco, TX 75034

Dear Mr. Madden:

I am pleased that AGAP Life Offerings, LLC and its affiliated companies, (the "Company," "you" or "your") desires to engage me to provide various consulting and advisory services as its Chief Restructuring Officer ("CRO" or "Consultant") during the course of the Company's Chapter 11 bankruptcy proceeding. We mutually understand and agree that this Services Agreement is ultimately subject to the approval of the U.S. Bankruptcy Court upon a motion and hearing before the court. This letter, along with the CRO services to be provided as summarized in attached Exhibit A and the terms and conditions attached as Exhibit B (collectively, the "Agreement"), confirms our mutual understanding upon which I will make my services available to you.

Effective upon approval of this agreement by the U.S. Bankruptcy court, which is expected to be considered by the court in early August 2016, the Consultant will commence work as the CRO for the Company, which will be compensated on an hourly basis. Subject to the provisions and conditions included in Exhibit A, the Consultant will work closely with you in the performance of the CRO services.

#### Compensation

The compensation due to Consultant is as follows:

You will pay directly to Consultant a fee of \$175.00 per hour (the "Fees") for the services as CRO.

The Company will also reimburse Consultant for reasonable and customary travel, meals and expenses required to perform its services, including mileage at the IRS published rate per mile.

Payments for services should be made in accordance with the instructions set forth on Exhibit B. We understand, however, that billings may subject to approval by the Bankruptcy Court and our billings will be provided monthly in accordance with requirements under the Court's local rules for the services of professionals.

#### Retainer

A retainer of \$5,000.00 will be payable upon approval of this Agreement by the bankruptcy court and will be applied to billings for services provided under this Agreement and as approved by the bankruptcy court.

At the conclusion or dismissal of the bankruptcy proceeding of the Debtor, management of the Debtor and Consultant will negotiate for continued financial advisory services to the Debtor from Consultant in the capacity as a Chief Financial Officer ("CFO") on a part-time or fractional basis, on such terms and conditions as may be agreed by Consultant and the Company.

I appreciate the opportunity to serve you and believe this Agreement accurately reflects our mutual understanding. If the foregoing is in accordance with your understanding, please sign a copy of this Agreement and return it to my attention.

Sincerely,



\_\_\_\_\_  
Bill Short  
Consultant

**Accepted and agreed:**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: Jeffrey Madden

Title: \_\_\_\_\_



**EXHIBIT A**

**CRO SERVICES TO BE PROVIDED**

Bill Short will provide the financial advisory services as CRO (the “Services”) to the Company, which include:

- Preparation of amendments to schedules and the statement of financial affairs and monthly operating reports to support the Chapter 11 case administration;
- Review and assessment of cash flow forecasting and projection processes and the monitoring of actual cash flow versus projections;
- Prepare updated cash flow projections as needed to be filed with the court;
- Assist in preparing and assembling information for exhibits to motions for relief that may be filed with the court;
- Provide testimony in bankruptcy court hearings as required;
- Administer post-petition banking facilities;
- Review ongoing strategic initiatives and assess financial and liquidity impact;
- Negotiate/Communicate with lenders, creditors and stakeholders during the bankruptcy proceeding;
- Coordinate sales of assets, as may be required;
- Direct operations with management including oversight and approval of disbursements, and approval of all contracts and administrative services;
- Preparation of periodic progress reports and review financial results with stakeholders and lenders;
- Engage personnel and professionals as may be required for orderly administration of bankruptcy case and the Company; and
- Such other duties as mutually agreed upon or otherwise approved by the Court.

For purposes of performing the Services, the CRO shall be given full and complete access to the Debtor’s premises, books, records, and computer systems, and the CRO will take steps where he deems necessary to document and establish procedures and routines in order to assure uninterrupted and accurate reporting to stakeholders. Additionally, the CRO expects to get assistance from Jeffrey and Charles Madden, the Managers of AGAP, in the performance of his services as CRO.

**Exhibit B**

**Terms and Conditions**

1. **Relationship of the Parties.** The parties agree that the Consultant will be serving the Company as an independent contractor for all purposes and not as an employee, agent, partner of, or joint venturer with the Company.
2. **Payment Terms.** Payments to Consultant should be made by check payable to Bill Short and mailed to Bill Short at 5646 Milton St., Suite 716 Dallas, Texas 75206. Any retainer approved by the bankruptcy court and paid at the commencement of services by the Debtor will be deducted from the amounts later invoiced and due to Consultant, beginning with the first billing period.
3. **Work Product.**
  - (i) The Company acknowledges and agrees that any written reports, analyses, statistics, assessments, plans, forecasts, recommendations, studies or other written work product prepared by Consultant pursuant to this engagement (collectively, "Work Product") is confidential and proprietary and is for the Company's exclusive use and may not be distributed or provided to, shared with or disclosed to any other party or person, without Consultant's prior written consent. Furthermore, the Work Product may not be relied upon by any other party or person, for any reason whatsoever and may not be utilized for any other purpose except for those specifically contemplated herein. Upon full payment of all amounts due to us in connection with this engagement, the work product embodied in the deliverables set out in this engagement letter will become your sole and exclusive property, except as set forth below. This provision does not include documents that are required for filing with the Court or the Office of the U.S. Trustee.
  - (ii) Consultant and the Company acknowledge and agree that any written reports, analyses, statistics, assessments, plans, forecasts, recommendations, studies or other written work product prepared by Consultant pursuant to this engagement (collectively, "Work Product") is confidential and proprietary and is for the Company's exclusive use and may not be distributed or provided to, shared with or disclosed to any other party or person, without Consultant's prior written consent. Consultant further acknowledges that portions of its work product will be filed with the United States Trustee in connection with the pending Chapter 11 case and that any such filings will not constitute confidential Work Product. The Work Product may not be relied upon by any other party or person, for any reason whatsoever and may not be utilized for any other purpose except for those specifically contemplated herein. This provision does not include documents that are required for filing with the Court or the Office of the U.S. Trustee.
4. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of Texas, without regard to conflicts of laws' provisions.

**Bill Short**

**Partner, SeatonHill**

Bill provides financial and operational leadership to companies in the role as interim or fractional CFO. He has over thirty-five years of experience in finance, accounting, and operational management in public and private companies across multiple industries, with an emphasis for several years in the upstream and midstream segments of the energy industry. In addition to energy, he has significant industry experience in manufacturing, distribution, waste management, and public accounting. Bill has directed financial operations for companies with diversified operations, including those in high growth and in stressed, turnaround situations. He has been heavily involved in multiple situations involving financial restatements, M&A transactions, financings, systems and controls clean-up and implementation, forensic accounting and litigation support. He has served as court-appointed trustee in multiple Ch. 11 cases.

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Bill has provided interim and fractional CFO services since 1998 while with CFO advisory firms, including Tatum, Blackbriar and now SeatonHill. Companies have included small and mid-cap companies, public and private, and in multiple industries, and for the last 10 years with a focus in the energy sector. Especially during this recent period, he has worked with companies for improvements in financials, processes and operations in preparation for sale, capitalization or re-cap. He has also assisted companies in obtaining capital for exploration and production. He led a team of professionals in financial restatements covering five years for an international E&P company exploring in South Texas.

Bill served as a partner from 1998 to 2010 in the executive financial services practice of Tatum, LLC, a national organization of senior financial executives providing strategic financial services targeted to small and mid-cap companies, emerging growth companies and companies in transition. Significant engagements included serving as CAO for PostRock Energy, a distressed publicly-traded E&P company; serving as EVP-Finance for FTS Int'l during a high growth period where he was instrumental in completing a \$250 million debt facility with a syndicate of banks, team-lead for implementing systems and people for financial controls and improved financial reporting, and orchestrated a state tax strategy that resulting in refunds of \$15mil+ and ongoing savings of even larger amounts.

As a Tatum Partner, Bill served in numerous executive positions providing strategic business and operational leadership, debt and equity financing, mergers and acquisitions, due diligence and integration, SEC reporting and compliance, managing lender and shareholder relationships, tax compliance and litigation support. He has extensive turnaround management experience, troubled debt restructuring, and held court-appointed fiduciary positions in multiple bankruptcy cases.

Prior to joining Tatum, Bill provided consulting and management services principally to companies in the oil and gas, manufacturing, and solid waste management industries. His responsibilities in these engagements included financial reporting, SEC filings, acquisition due diligence and accounting, tax accounting and business planning. He also provided advisory and business planning services to National Oilwell (now Varco) and Dover Industries related to the acquisition of an oilfield equipment company located in South America.

He served as Vice President, Treasurer and CFO of National Energy Group, Inc., a publicly-traded oil and gas company growing through mergers and acquisitions. While at National Energy Bill was instrumental in the completion of two significant acquisitions, successfully integrated the operations of the acquired enterprises, lead the implementation of all new accounting, control systems and SEC reporting following a reverse merger transaction. Previously, he provided advisory services for the financial restructuring of a publicly traded gas transportation and processing company, Cornerstone Natural Gas.

Prior to his tenure at National Energy, Bill served as CFO of Commonwealth Resources, a Dallas based private oil and gas business; and as Controller and Treasurer for Comstock Resources, Inc. Mr. Short had principal accounting and reporting responsibility at Comstock during a rapid growth period, including a successful SEC '33 Act registration statement following a merger, numerous acquisition transactions, and a financial restatement.

Prior to Comstock, Bill was the managing partner in a consulting and accounting firm in Midland, Texas, a firm he founded and later sold upon moving to Dallas. Over a period of 6 years previous, he served in controller and treasurer positions for oilfield service subsidiaries of large U.S. public companies located in Texas' Permian Basin.

#### Education and Certifications

- Bachelor of Business Administration in Accounting, University of Central Arkansas
- Certified Public Accountant – State of Texas
- Completed requirements as a Certified Turnaround Professional

#### Affiliations and Memberships

- American Institute of Certified Public Accountants
- Turnaround Management Association
- Petroleum Engineers Club of Dallas

#### Contact Information:

Mobile: 214.213.4622

Fax: 214.236.0038

Email: [bill.short@SeatonHill.com](mailto:bill.short@SeatonHill.com) (or bshort@flash.net)